

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
MAY 13 2008  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

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§ NO. 4:07-CV-131-A

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O R D E R

Came on for consideration the above-captioned action wherein Darryl Oates, Jr., is petitioner, and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Institutional Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On April 3, 2008, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation ("proposed FC&R"), and ordered that the parties file objections, if any, thereto by April 24, 2008. On April 14, 2008, petitioner filed a document entitled "Memorandum of Law and Argument in Support of Petition's 2254: Supplemental Brief." Petitioner filed no other objections, and respondent has not made any further response.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

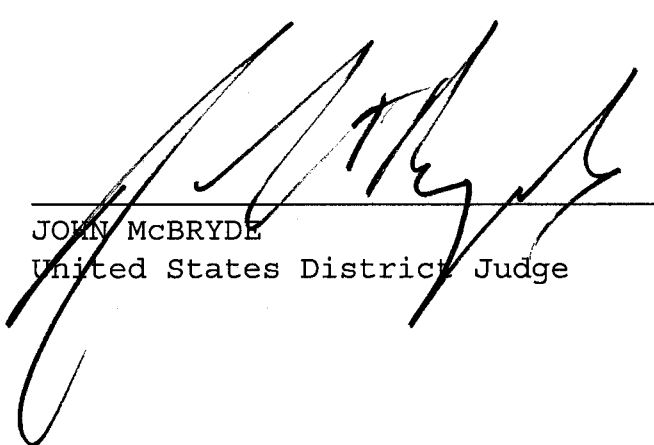
It is unclear if petitioner intended the above-reference Memorandum of Law to serve as his objections to the proposed FC&R. However, even construing the document as petitioner's objections, it is clear that his purported objections are not the kind contemplated by 28 U.S.C. § 636(b). Nothing in the text of petitioner's Memorandum of Law objects to, comments on, or complains of any particular portion of the magistrate judge's proposed FC&R. Instead, petitioner merely reurges his initial complaints regarding an illegal enhancement of sentence and ineffective assistance of counsel.

Therefore,

The court accepts the proposed FC&R of the Magistrate Judge,

and ORDERS that the petition in this action be, and is hereby,  
denied.

SIGNED May 13, 2008.



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JOHN McBRYDE  
United States District Judge